

AO 91 (Rev. 11/11) Criminal Complaint

United States District Court  
Southern District of Texas  
FILED

## UNITED STATES DISTRICT COURT

for the

Southern District of Texas

APR - 7 2014

David J. Bradley, Clerk

United States of America  
v.  
CRESENCIO PEREZ  
Citizen of Guatemala, YOB 1975

Case No. *M-14-0661-M**Defendant(s)*

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of April 06, 2014 in the county of Hidalgo in the  
Southern District of Texas, the defendant(s) violated:

*Code Section**Offense Description*

Title 18, U.S.C. 111(a)(b)

forcibly assaults, resists, opposes, impedes, intimidates, or interferes with  
any person designated in section 1114 of this title while engaged in or on  
account of the performance of official duties and inflicts bodily injury, shall be  
fined under this title or imprisoned not more than 20 years, or both.

This criminal complaint is based on these facts:

See Attachment A

☒ Continued on the attached sheet.

Approved:  
*Robert W. L. AVSA*  
4/7/2014

*[Signature]*  
Complainant's signature

Matthew D. Hiemstra, Special Agent, FBI

*Printed name and title*

Sworn to before me and signed in my presence.

Date: 04/07/2014 *9:03 am*

*[Signature]*  
Judge's signature

City and state: McAllen, Texas

Derina Ramos, U.S. Magistrate Judge

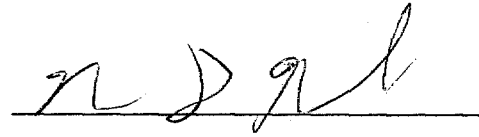
*Printed name and title*

**Attachment "A"**

**Affidavit**

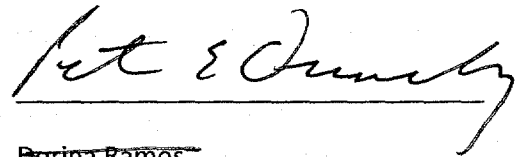
I, Matthew D. Hiemstra, being duly sworn, state as follows:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI) in McAllen, Texas. I have conducted numerous investigations related to crimes of violence. This affidavit is based on information provided by the United States Border Patrol, McAllen, Texas.
2. As a federal agent, I am authorized to investigate violations of federal laws of the United States.
3. The following facts and information are known by the Affiant and were provided by Border Patrol Agent (BPA) J.S., United States Border Patrol (USBP), McAllen, Texas, BPA J.C., USBP, McAllen, Texas, and Supervisory BPA J.C., USBP, McAllen, Texas. Both BPAs J.S., J.C. provided information serving as probable cause in support of a complaint for violating Title 18, U.S.C., Section 111 (a)(b), Assaulting a Federal Officer and inflicting bodily harm.
4. On April 06, 2014, at approximately 4:15 AM, BPA J.S. and BPA J.C., members of the United States Customs and Border Protection, McAllen, Texas, were attempting to apprehend approximately 16 suspected illegal aliens, in the Abram, Texas, area.
5. After USBP Agents identified themselves, BPA J.S. attempted to apprehend a suspected illegal alien, later identified as CRESENCIO PEREZ. CRESENCIO PEREZ attempted to escape BPA J.S. by attempting to flee on foot. While BPA J.S. was attempting to subdue CRESENCIO PEREZ, PEREZ shoved BPA J.S.'s head into a tree branch. Also during the struggle, PEREZ struck BPA J.S.'s duty issued rifle, causing the rifle to strike BPA J.S. in the mouth.
6. BPA J.S. received assistance from BPA J.C. to subdue and handcuff CRESENCIO PEREZ. BPA J.S. reported the incident to Supervisory BPA J.C. shortly after the apprehension of CRESENCIO PEREZ. As a result of pain and injuries sustained, BPA J.S. was transported to an emergency room for treatment. Due to the contact with the tree branch and duty issued rifle, BPA J.S. suffered multiple lacerations to his head, face, and mouth.
7. Subsequent to the apprehension of CRESENCIO PEREZ, it was determined that CRESENCIO PEREZ was a citizen of Guatemala, and was illegally present in the United States.
8. Based upon all of the aforementioned factual information, your Affiant respectfully submits that CRESENCIO PEREZ committed violations of Title 18, United States Code, Section 111 (a)(b), Assaulting a Federal Officer and inflicting bodily injury.



Matthew D. Hiemstra  
Special Agent  
Federal Bureau of Investigation  
McAllen, Texas

Subscribed and sworn to before me this 7<sup>th</sup> day of April 2014



~~Dorina Ramos~~  
United States Magistrate Judge